



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 14, 2011

✓ Mr. Allen Ishida
Tulare County Board of Supervisors

REDACTED

Advisory Letter Re: FPPC No. 10/1027; Allen Ishida, Respondent

Dear Mr. Ishida:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a pro-active investigation begun against you by the FPPC concerning your receipt of gifts over the applicable gift limit.

Specifically, on your 2009 Annual Statement of Economic Interests, you reported gifts valued at \$800 from the California Association of Counties and \$600 in gifts from the Tulare County Homebuilders Association.

The Act establishes a limit on the amount of gifts a public official may receive in a calendar year from a single source. (Section 89503.) In 2009, that gift limit was \$420. In response to our letter to you, you indicated that the prizes were as a result of a bona fide competition unrelated to your status as an officeholder and in accordance with Regulation 18946.5, should have reported as income, rather than as a gift.

Regulation 18946.5 provides that a prize or award shall be reported as a gift unless the prize or award is received in a bona fide competition not related to the recipient's status as an official or candidate. A prize or award which is not reported as a gift shall be reported as income.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

It appears that if the prizes were reported correctly, no potential violation would have been identified. We are therefore closing this matter with an advisory. In the future, please be more diligent in accurately disclosing gifts on your Statements of Economic Interests.

Since you indicated that the payments were income, not gifts, you must amend your 2009 annual statement to reflect the corrections. Those amendment schedules are enclosed for your use. Once completed, please forward the amendments to the Commission's Technical Assistance Division.

If you ever need guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660, Monday through Thursday, between 9:00 a.m. and 4:00 p.m. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact me at (916) 322-8194.

Sincerely,

Jeanette E. Turvill
Political Reform Consultant
Enforcement Division

/jt
Enclosures